

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
WASHINGTON, D.C. 20502

July 8, 2019

Sai  
Muck Rock News  
Dept. MR 75099  
411 A Highland Avenue  
Somerville, MA 02144-2516  
75099-96740792@requests.muckrock.com

**Re: OSTP-FOIA-19-056**

Dear Sai:

This letter acknowledges a Freedom of Information Act (FOIA)<sup>1</sup> request submitted to the Office of Science and Technology Policy (OSTP) on June 10, 2019. Specifically, the request sought:

"[A]ll emails:

1. [F]rom or to any email address, used in official capacity, of any person who, within 30 days of the time of the email, worked for:
  - i. agency headquarters,
  - ii. agency public relations,
  - iii. agency counsel's office, or
  - iv. any other component that regularly communicates with members of the press; and
2. [C]ontaining any of the following phrases, regardless of capitalization or other minor variations:
  - i. 'on the record',
  - ii. 'off the record',
  - iii. 'on background',
  - iv. 'on deep background',
  - v. "not for attribution",
  - vi. 'Chatham House rule',
  - vii. 'lobby terms', or
  - viii. any synonymous phrases."

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<sup>1</sup> 5 U.S.C. § 552.

In accordance with the FOIA, OSTP uses a multitrack processing system when reviewing FOIA requests.<sup>2</sup> Requests within each track are processed on a “first-in, first-out” basis.<sup>3</sup> Track one is for “requests of simple to moderate complexity that are expected to be completed within 20 working days.”<sup>4</sup> Track two “is for requests involving ‘unusual circumstances,’ . . . that are expected to take more than 20 working days to complete.”<sup>5</sup> Requests that seek and receive expedited processing are prioritized above each of the aforementioned tracks and “OSTP may take [such] requests out of order” to process them more quickly.<sup>6</sup> To qualify for expedited processing, one of the following compelling needs must be met:

- 1) That failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of any individual; or
- 2) That a request is made by a person primarily engaged in disseminating information, and the person establishes that there is an urgency to inform the public concerning actual or alleged Federal Government activity.<sup>7</sup>

Pursuant to OSTP regulations, this request qualifies as a track two request as it involves unusual circumstances and is “expected to take more than 20 working days to complete.”<sup>8</sup> After initiating the search, OSTP identified over nine thousand potentially responsive records, which is a “voluminous amount of separate and distinct records” that it must “appropriately examine.”<sup>9</sup> As records complete the review process, they will be immediately released to the extent permitted by any applicable FOIA exemptions.

Please note that requesters have the right to seek dispute resolution services regarding their requests from OSTP’s FOIA Public Liaison or the Office of Government Information Services (OGIS). To employ these services, please contact Andrew Mendoza via telephone at (202) 456-4444 or by way of e-mail at [OSTPFOIA@ostp.eop.gov](mailto:OSTPFOIA@ostp.eop.gov). To contact OGIS, please use the following contact information:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphia Road-OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770  
Fax: (202) 741-5769  
Toll-free: 1 (877) 684-6448

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<sup>2</sup> 5 U.S.C. § 552(a)(6)(D); 32 C.F.R. § 2402.5(c).

<sup>3</sup> 32 C.F.R. § 2402.5(c).

<sup>4</sup> *Id.* at § 2402.5(c)(1).

<sup>5</sup> *Id.* at § 2402.5(c)(2).

<sup>6</sup> *Id.* at § 2402.5(d).

<sup>7</sup> *Id.* at § 2402.5(d)(i)-(ii).

<sup>8</sup> 32 C.F.R. 2402.5(c)(2).

<sup>9</sup> 32 C.F.R. 2402.5(b)(2), (c)(2).

Finally, this request is considered an “other non-commercial request”.<sup>10</sup> Therefore, this request will only be subject to certain search and duplication costs.<sup>11</sup> Pursuant to OSTP regulations, the requester is entitled to the first two hours of search time and the first 100 pages of copies at no cost.<sup>12</sup> For search time surpassing two hours, OSTP will charge the “direct costs of these services, including the average hourly salary (base plus locality payment plus 16 percent) for the employee(s) making the search.<sup>13</sup> For duplication exceeding the first 100 pages of copies or its equivalent on any alternative method of reproduction, OSTP will charge “the actual direct costs of producing the document(s).”<sup>14</sup>

If you have any questions, please do not hesitate to contact me via telephone or by way of e-mail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew G. Mendoza".

Andrew G. Mendoza  
Senior Legal Counsel and Policy Advisor

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<sup>10</sup> *Id.* at § 2402.8(b)(1)(ii).

<sup>11</sup> *Id.* at § 2402.8(b)(1)-(3).

<sup>12</sup> *Id.* at. § 2402.8(b)(1) (iii), (3).

<sup>13</sup> *Id.* at. § 2402.8(b).

<sup>14</sup> *Id.* at § 2402.8(b)(3).

